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9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
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12 ALTAIR INSTRUMENTS, INC., a  
California corporation,

13 Plaintiff,

14 vs.  
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16 KELLEY WEST ENTERPRISES, LLC,  
a Florida limited liability company;  
17 PRESSER DIRECT, LLC, a California  
limited liability company;  
18 AMAZON.COM, INC., a Delaware  
corporation; HSN, Inc., a Florida  
corporation, and DOES 1 through 10,  
19 inclusive,

20 Defendants.  
21

Case No. CV15-08115 R (FFMx)

**PROOF OF SERVICE BY  
ELECTRONIC AND U.S. MAIL  
OF ORDER RE: NOTICE TO  
COUNSEL [DOCKET NO. 11]**

22 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

23 I am employed by the law office of Rutan & Tucker, LLP in the County of  
Orange, State of California. I am over the age of 18 and not a party to the within  
24 action. My business address is 611 Anton Boulevard, Suite 1400, Costa Mesa,  
California 92626-1931. My electronic notification address is  
25 aspielman@rutan.com.

26 On November 2, 2015, I served on the interested parties in said action the  
within:  
27

28 **ORDER RE: NOTICE TO COUNSEL [DOCKET NO. 11]**

of which a true and correct copy is attached hereto as **Exhibit A** and was served as stated below:

*Attorneys for Defendants Kelley West Enterprises, LLC and Presser Direct, LLC*

Mr. Glenn Trost  
Snell & Wilmer  
Two California Plaza  
Suite 2600  
Los Angeles CA 90071  
email: gtrost@swlaw.com

☒ **(BY MAIL)** by placing a true copy thereof in sealed envelope(s) addressed as shown above.

In the course of my employment with Rutan & Tucker, LLP, I have, through first-hand personal observation, become readily familiar with Rutan & Tucker, LLP's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice, I deposited such envelope(s) in an out-box for collection by other personnel of Rutan & Tucker, LLP, and for ultimate posting and placement with the U.S. Postal Service on that same day in the ordinary course of business. If the customary business practices of Rutan & Tucker, LLP with regard to collection and processing of correspondence and mailing were followed, and I am confident that they were, such envelope(s) were posted and placed in the United States mail at Costa Mesa, California, that same date. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **(BY E-MAIL)** by transmitting a true copy of the foregoing document(s) to the e-mail addresses set forth above.

I certify that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on November 2, 2015, at Costa Mesa, California.

I declare under penalty of perjury that the foregoing is true and correct.

Angie Spielman

(Type or print name)



(Signature)

# EXHIBIT A

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ALTAIR INSTRUMENTS, INC.

Plaintiff(s),

v.

KELLEY WEST ENTERPRISES, LLC, et al.

Defendant(s).

CASE NO:  
2:15-cv-08115-R-FFM

ORDER RE: NOTICE TO  
COUNSEL

**READ CAREFULLY: FAILURE TO COMPLY MAY LEAD TO SANCTIONS**

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This case has been assigned to the calendar of Judge Manuel L. Real.

Counsel are advised that the Court expects strict compliance with the provisions of the Local Rules and the Federal Rules of Civil Procedure  
**NONCOMPLIANCE MAY LEAD TO THE IMPOSITION OF SANCTIONS WHICH MAY INCLUDE THE STRIKING OF PLEADINGS AND ENTRY OF JUDGMENT OR DISMISSAL OF THE ACTION.**

The attention of counsel is particularly directed to Local Rule 16.  
Counsel should also be guided by the following special requirements when litigating cases assigned to Judge Real:

1. **INTERROGATORIES**: See Local Rules.
2. **MOTIONS**: Motions shall be heard on the first and third

Monday of each month at 10:00 A.M., unless otherwise ordered by the Court.

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If the Monday is a national holiday, the succeeding Tuesday shall be the motion day. Counsel do not need to contact the Court in this regard, as there is no need to reserve dates.

3. EX PARTE APPLICATIONS: No hearing will be held unless deemed necessary by the Court; if the Court requires a hearing, the clerk will contact the parties and inform them of the date and time. In the moving papers' declaration of notification, the declarant shall state whether or not the application is opposed; if opposed, the declarant shall state that the opposing party was informed that it has twenty-four (24) hours from receipt of the papers to file its opposition. The matter will then stand submitted.

4. CONTINUANCES: Counsel requesting a continuance must submit a stipulation with a detailed declaration as to the reason for the requested continuance or extension of time, together with a proposed order. Stipulations, including those for second and subsequent extensions of time to respond to the complaint, are effective ONLY when approved by this Court. Any stipulation not in compliance with this order or the Local Rules will automatically be denied without further notice to the parties.

5. CONFORMED COPIES: Parties will receive conformed copies through the Court's CM/ECF e-filing system; or by mail, if applicable.

6. REMOVED ACTIONS: Any answers filed in state court must be refiled in this Court as a supplement to the petition. Any pending motions must be renoticed in accordance with Local Rule 7.

7. WAIVED LOCAL RULES: (Local Rule 16-14.1): Settlement conferences are NOT mandatory; if the parties mutually agree to the holding of a settlement conference, they shall contact the clerk. (Local Rule 7-3): parties are NOT obligated to meet and confer, or file a declaration in

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connection thereto, for the purposes of preparing and filing dispositive motions (to dismiss, summary judgment, etc).

8. FEDERAL RULE 26(f): This Court requires the following, and counsel are ORDERED to follow this outline: 30 days after the first answering defendant files a response to the complaint, the parties shall hold an early meeting, in person, for the purpose of making initial disclosures. Plaintiff's counsel shall have the duty of scheduling the meeting. The parties shall then file a Joint Report of Early Meeting within 14 days of the holding of the Early Meeting of Counsel. Counsel are informed that approximately 30 days after receipt of the Joint Report, this Court shall issue an Order setting the dates of the Final Pre-Trial Conference, and the Trial of the action. This Court shall not set a "scheduling conference" or issue a "scheduling order" other than as set out previously in this section.

9. COURTESY COPIES OF E-FILED DOCUMENTS: Courtesy copies are not accepted directly in chambers. Copies of all e-filed documents shall be delivered either to the civil intake section clearly marked as a courtesy copy, placed in the courtesy copy in-box outside of chambers or sent to the Court via overnight mail, within twelve (12) court business hours of the time the document was e-filed. The courtesy copy shall be blue-backed and double-hole punched.

10. WORD/WORDPERFECT PROPOSED ORDERS, JUDGMENTS OR ANY OTHER SIGNATURE ITEMS: Pursuant to General Order 08-02, a Microsoft Word or WordPerfect copy of any proposed document requiring a signature shall and must be e-mailed to the generic chambers e-mail address (r\_chambers@cacd.uscourts.gov). The subject line of the e-mail shall be in the following format: court's divisional office, year, case type, case number, judge's initials and filer (party) name [e.g., 2:09 CV 09876 R (Plaintiff or Defendant's

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name)].

11. NOTICE OF THIS ORDER: Counsel for plaintiff, or plaintiff, if appearing on his or her own behalf, is responsible for promptly serving this notice on defendant's counsel, and filing a proof of service with the notice attached as an exhibit with the Court. If this case came to the Court via a Noticed Removal, this burden falls to the removing defendant.

Date: October 21, 2015



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Manuel L. Real  
United States District Judge